

REGULATION AND POLICY MANAGEMENT BRANCH

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June 28, 2024

NOTICE OF CHANGE TO TEXT AS ORIGINALLY PROPOSED

Pursuant to the provisions of Government Code Section 11346.8(c) and Section 44 of Title 1 of the California Code of Regulations (CCR), the California Department of Corrections and Rehabilitation (CDCR or the department) hereby is providing notice of proposed changes made to CCR, Title 15 sections regarding Contraband Surveillance Watch (CSW) including amending section 3332 and adopting subsection 3332.1.

You are receiving this notice as required by CCR, Title 1, section 44.

Notice of Change to Regulations (NCR) 23-08, Notice File No. Z2023-0807-04, was published in the Office of Administrative Law (OAL) Regulatory Notice Register on August 18, 2023, Notice Register No. 33-Z. The department has determined that changes to the proposed regulations are necessary.

Amendments to the proposed text originally noticed to the public are indicated by **bold double underline** for newly added text and **~~bold double strikethrough~~** for text deleted from the original proposed text. The single underline and single ~~strikethrough~~ formatting from the original proposed text noticed to the public has been retained, showing changes from the current text of CCR. The comment period for these changes is **June 28, 2024, through July 13, 2024**. Only those comments relating directly to the amendments indicated by **bold double underline** or **~~bold double strikethrough~~** will be considered.

The attached regulation text contains the following changes:

Under the section, “Documents Incorporated by Reference,” the “CDCR 114-CSW, Contraband Surveillance Watch Log,” was not listed, but is incorporated by reference in the proposed regulations. The word “Form” is removed from the form reference. The CDCR 114-CSW was included in NCR 23-08 which was available on the department’s public website and mailed to interested parties.

Additionally, CDCR 7219 (Rev. 02/24), Medical Report of Injury or Unusual Occurrence, is incorporated by reference in this regulatory action as CDCR 7219 is referenced in subsection 3332.1(d)(1)(A). CDCR 7219 is available on the CDCR public website and upon request.

CDCR 837-C, (Rev. 10/15), Crime/Incident Report Part C – Staff Report, is incorporated by reference into the Title 15 section 3268(i) in a previous regulatory action and the CDCR 837-C is referenced in subsection 3332.1(i)(1)(G). CDCR 837-C is available on the CDCR public website and upon request.

NOTE REGARDING CDCR FORMS INCORPORATED BY REFERENCE (CCR, TITLE 1, SECTION 20):

This note explains the department's justification for incorporating forms by reference. The department uses over 1,500 forms, most of which are regulatory. It would be unduly cumbersome, expensive and impractical to print all of these forms in the CCR text, therefore the department has always incorporated forms by reference, except in specific circumstances which do not apply to these regulations.

The adopted, amended, and/or repealed forms included in this rulemaking action were made available to the public for review and were included in the notice of rulemaking sent to all parties who have requested notification.

Description of Changes to the Text as Originally Proposed:

Subsections 3332(f)(1) and 3332(f)(2) are removed from the proposed text as the subsections are not being amended in this regulatory action.

Subsection 3332(f)(3) is amended to update the revision date of CDCR 114-CSW to 04/24, as the form is revised, and to replace references to "inmate" with "incarcerated person." The term "inmate" is replaced with the term "incarcerated person" to align with CDCR's "California Model."

- References to segregated housing, Administrative Housing Unit "Ad/Seg" and to the "CDC 114-A" are updated pursuant to emergency regulations concerning Restricted Housing Units (RHU), which became effective on November 1, 2023, OAL Matter No. 2023-1004-01EON. The emergency regulations were approved for readoption on April 8, 2024. The emergency regulations are in effect until July 11, 2024. "Ad/Seg" is replaced by "RHU," and reference to "CDC 114-A" is replaced with reference to the "Automated RHR," (Automated Restricted Housing Record), as the Automated RHR replaced the CDC 114-A. For additional clarity concerning the "Automated RHR," reference to subsection 3332(f)(2) is added to the footer.
- The distribution for the CDCR 114-CSW is added to the footer of the form to ensure staff and incarcerated persons are informed of the form's record-keeping.
- An additional page is added to the CDCR 114-CSW to ensure sufficient room is available for CSW staff notes. CDCR 114-CSW now totals three pages. Incarcerated person identifying information (incarcerated person name, CDCR #, Cell/Isolated Setting Location, and Cell#/Room#) is added to the top of pages two and three of the form to ensure the CSW notes track the specified incarcerated person's CSW and to ensure CSW notes are distributed to the appropriate incarcerated person's record in the event the pages get separated.

Page one of the CDCR 114-CSW that was included in NCR # 23-08, and was noticed to the public on August 18, 2023, requests specific details concerning the CSW. The information requested and the reasons for requesting the information are detailed below:

CSW Start (Manager/AOD Approving). The CSW Start form field records the Manager or the Administrative Officer of the Day (AOD) who approved the CSW. This is necessary to keep accurate records concerning the initiation of CSW for future reference, such as who initially approved the CSW placement.

Date and Time. The date and time field immediately following the CSW Start (Manager/AOD) are recorded to note the date and the specific time the CSW began. This is necessary to keep accurate records of CSW.

CSW Termination (Manager/AOD Approving) records the Manager or AOD who approved to end CSW. This information is necessary to keep accurate records for the termination of the specified CSW for future reference.

Date and Time record the specific date and time CSW was terminated to keep accurate records of CSW.

Incarcerated Person's Name and CDCR # are recorded to identify the incarcerated person who is placed on CSW.

Cell/Isolated Setting Location (RHU, R&R [Receiving and Release], etc.) Identifying the location of the incarcerated person's CSW placement allows custody staff to easily account for where the incarcerated person was housed during their CSW.

Cell#/Room# Identifies the specific location where the incarcerated person was housed during their CSW. This is necessary to ensure the incarcerated person is able to have basic sleeping accommodations equal to that of an incarcerated person who is housed in the General Population.

Date, Watch, and CSW Staff Name/Title (Print and Initial) are recorded to identify the custody staff who observed the incarcerated person on CSW placement. This information is needed to identify the custody staff who watched the incarcerated person on CSW, to keep accurate records of CSW and to be able to reference the custody staff in the future, if needed, to expand on their CSW notes.

Restraints Authorized (Waist Restraints, Leg Restraints, and HID [Hand Isolating Devices]) and the reasons for authorizing the specific restraints listed are recorded to keep accurate records of the CSW for future reference by the incarcerated person, counsel, or department staff. Identifying the authorized restraints and the reasons for the approval provides pertinent CSW case-specific information to the custody staff working on CSW so they know what restraints they are authorized to use and why.

Supervisor Visits/Tours (Print Name/Title, and Sign) and the time of the visit/tour are recorded to identify what supervisor was present during that shift. This is necessary to identify who was present during the CSW other than the staff member assigned to the CSW.

Time and Staff Initials Performing Task (Must be staff signed in above or signed in for visits) records the staff member who was present for the specific action that took place during that shift. This is necessary to identify who was present during the CSW other than the assigned staff member.

A space for: **COMMENTS (Include necessary information related to checked off items and other CSW related activities/events. For example, time OJT was provided, results of bowel movements, reason for and outcome of medical or mental health visits, new staff on duty during shift and other related information.)** is provided to allow the staff member room to add additional comments that are not identified in the checked boxes on the form.

The information recorded on the CDCR 114-CSW that was previously noticed in NCR # 23-08 on August 18, 2023, is categorized as **Initial, Daily, On-Going Items, and Other**. It is necessary to categorize CSW information to accurately account for all actions while the incarcerated person is on CSW.

New subsections 3332.1(a) through 3332.1(j)(2) are adopted to detail CSW procedures that were initially noticed in the Initial Statement of Reasons (ISOR) for this regulatory action that was included in NCR # 23-08, which was posted on the CDCR public website and mailed to interested parties on August 18, 2023. This is necessary to provide institution staff and incarcerated persons with the CSW procedures.

New subsection 3332.1(a) provides that the objective of CSW is to retrieve contraband suspected to be concealed on the incarcerated person on CSW without physical intrusion if possible. This subsection is necessary to provide CDCR a procedure for ensuring contraband does not enter the institution, while ensuring the health and safety of the incarcerated person suspected of having concealed contraband within their body.

New subsections 3332.1(a)(1), 3332.1(a)(1)(A), 3332.1(a)(1)(B), and 3332.1(a)(1)(C) provide the circumstances when an incarcerated person may be placed in a controlled, isolated setting on CSW, under constant visual observation, until the contraband is voluntarily surrendered, is retrieved through natural means, or through a court order pursuant to subsection 3332.1(c)(3). This is necessary to specify the conditions that must exist to initiate an incarcerated person being placed on CSW.

- Subsection 3332.1(a)(1)(A) provides that an incarcerated person may be placed in CSW if it is determined during an outside medical provider examination, that an incarcerated person has concealed contraband in their body, and has determined that the physical removal of the contraband may be hazardous to the health and safety of the incarcerated person.
- Subsection 3332.1(a)(1)(B) provides that an incarcerated person may be placed in CSW after a Custody staff directly observes an incarcerated person conceal contraband in their body, through insertion into a body cavity, or by ingestion.
- Subsection 3332.1(a)(1)(C) provides that an incarcerated person may be placed in CSW if there is reasonable suspicion that an incarcerated person has concealed contraband in their body.

New subsection 3332.1(a)(2) provides that each institution shall provide their Mission Associate Director (AD), the Mission AD designee, and the Investigative Services Unit a weekly CSW tracking log by noon each Monday (or next business day if the Monday falls on a holiday), and shall cover the period of the previous week (Monday through Sunday), This report shall reflect all incarcerated persons on CSW for that period. The subsection further provides when the CSW tracking log is due and the time period the CSW tracking log covers. This subsection is necessary to keep headquarters and custody staff aware of any CSW placement.

New subsections 3332.1(b) through 3332.1(b)(6) are adopted to provide the authorization and approval details for CSW. These subsections are necessary to provide custody staff the steps that must take place to obtain approval for CSW. Subsections 3332.1(b)(1) through 3332.1(b)(6) are detailed further below:

Subsection 3332.1(b)(1) provides that the request to place an incarcerated person on CSW shall be made by the on-duty Watch Commander and must be approved by the Captain or above during business hours or by the AOD if after hours, and shall be recorded on a CDC 128-B, General Chrono (Rev. 4/74), which is incorporated by reference into the Title 15 in section 3054.9. The subsection provides that the CDC 128-B shall have the date of CSW initiation, the name and classification of the approving authority, and the reason for placement. The subsection specifies that the approving manager shall provide the Watch Commander with the CDC 128-B for authorization of the CSW placement. The subsection also provides that the Warden or the Chief Deputy Warden (CDW) shall notify the appropriate Mission AD of the CSW placement by the first business day after the placement on CSW, and additional notification(s) every 72 hours while the incarcerated person remains on CSW. This subsection is necessary to provide the procedures to custody staff to follow when placing an incarcerated person on CSW.

Subsection 3332.1(b)(2) provides that CSW placement lasts for 72 hours or until the incarcerated person provides at least three bowel movements free of contraband, or it has been determined that the incarcerated person is free from contraband. This timeframe is necessary to ensure the incarcerated person is free from contraband.

Subsection 3332.1(b)(2)(A) provides that when custody staff believe the incarcerated person may still be in possession of contraband, and the 72-hour initial CSW placement has concluded, a search warrant shall be generated to retrieve the contraband. The search warrant shall be authorized by the Warden or the CDW and when the search warrant is obtained, the search warrant shall be conducted by an outside medical provider.

The subsection is necessary to provide direction to staff when executing the search warrant. Requests for search warrants must be authorized by the Warden, or the CDW when the Warden is unavailable.

Subsection 3332.1(b)(3) provides that retaining an incarcerated person on CSW placement for a second 72-hour period may only be authorized by the Warden or CDW and the authorization shall be documented on a CDC 128-B. The subsection provides that a CSW placement beyond six days must be authorized by the Division of Adult Institutions (DAI) Director, or the Deputy Director of DAI Facility Operations. The authorization shall be documented on a CDC 128-B. This subsection is necessary to ensure the extension of the incarcerated person's placement on CSW is warranted, and the authorizations are recorded. It is necessary to document the extension authorizations and the extension justifications for subsequent use by Investigative Services Unit (ISU) staff if a search warrant is later necessary. As specified in subsection 3332.1(c)(3), upon the receipt of the CDC 128-B, ISU staff will be advised that a search warrant needs to be obtained for the specific CSW. Additionally, the subsection provides custody staff with procedures to follow.

Subsection 3332.1(b)(4) provides that the justification for every CSW extension shall be clearly articulated on a CDC 128-B, and the reasons documented shall also be noted on the CSW tracking log. The subsection provides that the CDC 128-B shall be generated by the manager responsible for the area in which the incarcerated person is currently housed. It is necessary to record the justification for CSW extension on the CDC 128-B in order to keep accurate records so the incarcerated person and department staff can reference details in the future. This is necessary to ensure reasons are clearly documented that justify the extension of CSW, and that documentation is generated by the manager responsible for the area where the incarcerated person is housed.

Subsection 3222.1(b)(5) provides the CSW Placement/Retention Approval Matrix. The Matrix provides that a Captain or above may approve the initial 72-hour CSW placement, a second 72-hour placement must be approved by the Warden or the CDW, and an additional CSW placement of seven days or more must be approved by the DAI Director or the Deputy Director, Facility Operations, DAI. This matrix is necessary for additional clarity and provides the authorization and approval information that is provided in narrative form in subsections 3332.1(b)(2), 3222.1(b)(3), and 3332.1(b)(4), in a table form. This table is a visual aid that provides additional clarity concerning CSW placement, and the level of approval required for each additional CSW 72-hour placement.

Subsection 3332.1(b)(6) provides that the approval period duration for all CSW shall be in 72-hour increments. This is necessary so that additional CSW placements are reviewed and approved as described in subsection 3332.1(b)(3).

Subsections 3332.1(c) through 3332.1(c)(5) provide details for the CSW isolated setting. This is necessary to provide CSW staff with procedures to follow.

Subsection 3332.1(c)(1) provides that incarcerated persons placed on CSW will be placed in a Restricted Housing Unit (RHU) and issued an automatic RHU Placement Notice (RHUPN) by the official who ordered the CSW placement. The subsection further provides that within 24 hours of CSW placement, the RHUPN shall be distributed to the Warden, the Captain responsible for the initial review of the RHUPN, and institution ISU. The subsection provides that the Warden's office shall forward a copy of the RHUPN to the respective Mission AD by the first business day after the RHUPN was issued for CSW placement. This is necessary to identify the location of the

incarcerated person's CSW placement so institution staff can easily account for where the incarcerated person was housed during their CSW, and to timely inform headquarters and custody staff of any CSW placement.

Subsection 3332.1(c)(2) provides for an incarcerated person who is already on RHU and is subsequently placed on CSW, the institution shall use a CDC 128-B in lieu of the new RHUPN as the notification method. The subsection provides that the official who ordered the CSW placement shall issue the CDC 128-B and the form shall be distributed as described in subsection 3332.1(c)(1). This subsection is necessary to ensure that notification of CSW placement for an incarcerated person already housed in an RHU is documented on a CDC 128-B and that an RHUPN is not required.

Subsection 3332.1(c)(3) provides that upon receipt of the CDC 128-B extension, ISU shall prepare the search warrant as directed by the Warden or the CDW and shall include an x-ray request as part of the search warrant. The search warrant shall be sent to the court for review and resolution after the initial 72 hours of the incarcerated person's CSW placement has elapsed. This subsection is necessary to designate who prepares the search warrant, and that an x-ray request will be part of the search warrant, and to designate the timeframe in which the search warrant will be sent to the court for resolution.

Subsection 3332.1(c)(4) provides that the isolated setting shall be a cell that ensures security precautions of the institution or facility is large enough to accommodate a fully extended sleeping mattress. This setting may be in a general population area or in an RHU of the institution. This is necessary to ensure the incarcerated person is able to have basic sleeping accommodations equal to that of an incarcerated person who is housed in the General Population.

Subsection 3332.1(c)(5) provides that in a medical emergency in which the concealment of the contraband poses an imminent threat to the incarcerated person's health and safety, the incarcerated person shall be housed pursuant to section 3999.431. In such cases, the security and custody supervision, and CSW responsibilities shall remain with the custody personnel assigned to CSW detail under the direction of the Watch Commander. This is necessary to ensure the health and safety of the incarcerated person while on CSW.

Subsections 3332.1(d) through 3332.1(d)(2) provide procedures concerning CSW placement in an isolated setting.

Subsection 3332.1(d)(1) provides that there are procedures to be followed prior to the incarcerated person's placement in an isolated setting. The information is necessary to provide instruction to institution staff on steps to follow prior to placing an incarcerated person in an isolated setting.

Subsection 3332.1(d)(1)(A) provides that the Watch Commander of the institution shall ensure an initial nursing assessment of the incarcerated person is completed pursuant to section 3999.431 prior to the placement on CSW, and that the initial nursing assessment and the results are documented on a CDCR 7219, which is incorporated by reference in this regulatory action. This is necessary to ensure there are no medical concerns due to the concealment of the contraband, and to ensure that the results of the nursing assessment are documented.

Subsection 3332.1(d)(1)(B) provides that a CDCR 114-CSW shall be generated and maintained while the incarcerated person is on CSW in accordance with subsection 3332(f)(3). This is necessary to provide a more appropriate tool for capturing staff and incarcerated person's actions while assigned to CSW.

Subsection 3332.1(d)(1)(C) provides that the incarcerated person shall be given an unclothed body search. This is necessary to ensure that there is no other contraband on their person.

Subsection 3332.1(d)(1)(D) provides that the isolated setting shall be searched and cleaned. This is necessary as a security measure to ensure the isolated setting is free of all items prior to placing the incarcerated person on CSW.

Subsection 3332.1(d)(1)(E) provides that all moveable objects shall be removed. This is necessary to allow staff to maintain a constant visual of the incarcerated person while on CSW.

Subsection 3332.1(d)(1)(E)1 provides that a mattress and a blanket will be provided from 2000 hours (8:00 p.m.) to 0800 hours (8:00 a.m.). This is necessary to provide the incarcerated person reasonable accommodation to sleep and stay warm during normal resting time.

Subsection 3332.1(d)(1)(E)2 provides that stationary fixtures shall be permitted in the isolated CSW setting, as the objects cannot be removed and are part of the room's infrastructure. This is necessary to designate that stationary fixtures are permitted since they cannot be removed without affecting the physical infrastructure of the room.

Subsection 3332.1(d)(1)(F) provides that the toilet shall be covered in plastic and taped closed with the water turned off (if applicable). This is necessary to prevent any contraband from being destroyed or flushed down the toilet.

Subsection 3332.1(d)(1)(G) provides that female incarcerated persons shall be placed in a jumpsuit or two-piece slip-on shirt and pants, one brassiere, one pair of panties, and one pair of socks. As an added method of security, incarcerated persons may be placed in two jumpsuits with the openings placed/worn in the opposite direction of each other. This is necessary to provide female incarcerated persons with necessary clothing while maintaining security during a CSW and to direct how the clothing must be worn to prevent the incarcerated person from expelling contraband and circumventing the CSW process.

Subsection 3332.1(d)(1)(H) provides that male incarcerated persons shall be placed in one pair of boxer shorts, one T-shirt, and one pair of socks, or an approved jumpsuit or two-piece slip-on shirt and pants with or without a T-shirt or boxer shorts. As an added method of security, male incarcerated persons may be placed in two pairs of boxer shorts or two jumpsuits with the openings placed/worn in the opposite direction of each other. This is necessary to provide male incarcerated persons with necessary clothing while maintaining security during a CSW and to direct how the clothing must be worn to prevent the incarcerated person from expelling contraband and circumventing the CSW process.

Subsection 3332.1(d)(1)(I) provides that the legs and waist of the boxer shorts and the arms and legs of the jumpsuit shall be taped closed to restrict the incarcerated person's access to their body cavities. The subsection further provides that tape should never be applied in a manner to restrict circulation or directly over the incarcerated person's skin. This is necessary to prevent the incarcerated person from circumventing the CSW process, while ensuring the health and safety of the incarcerated person.

Subsection 3332.1(d)(2) provides that the incarcerated person shall remain under constant visual observation at all times while on CSW. A correctional supervisor (Sergeant or above) shall visually check on the incarcerated persons while on CSW once a shift. The purpose of this check is to determine the incarcerated person's well-being by visual inspection and provide on-the-job training to ensure staff's adherence to the CSW policy. All supervisory checks and reviews shall be documented on the incarcerated person's CDCR 114-CSW in accordance with subsection 3332(f)(3). This is necessary to ensure a correctional supervisor provides a visual check of the incarcerated person each shift and documents the visual check accordingly, and provides training that ensures adherence to CSW policies to the staff member assigned to the CSW.

Subsections 3332.1(e) through 3332.1(e)(3)(D) provide the CSW documentation procedures.

Subsection 3332.1(e)(1) provides that the placement of an incarcerated person on CSW shall be documented by the Watch Commander requesting the placement of the incarcerated person on CSW, in accordance with subsection 3332.1(b). It is necessary for the Watch Commander to make the request to the Captain or AOD as the highest-ranking supervisor at an institution.

Subsection 3332.1(e)(1)(A) provides that each employee assigned to the CSW detail shall document all activities related to the incarcerated person, as provided in subsection 3332.1(e)(1), on a CDCR 114-CSW for the duration of the incarcerated person's placement on CSW. This includes but is not limited to, all searches performed prior to and during the incarcerated person's placement on CSW, meals, hygiene, bowel movements, health concerns, medications, trash removal and searches of trash after each meal, etc. Each Correctional Officer assigned to the CSW detail shall sign in and out at the beginning and end of the CSW observation period on the CDCR 114-CSW. The CDCR 114-CSW is necessary to provide a consistent method for documenting staff actions while assigned on CSW.

Subsection 3332.1(e)(2) provides that the Chief Medical Executive or their designee shall document all medical decisions or issues relating to the incarcerated person during placement on CSW in the incarcerated person's Health Record. This is necessary to ensure the health and safety of the incarcerated person is monitored and documented.

Subsection 3332.1(e)(3) provides that all body cavity searches conducted by an outside medical provider shall be documented on a CDC 128-B by the custody staff member present during the search and shall be submitted to the Warden or their designee for review. This is necessary to ensure that the Warden or their designee is aware of specific searches and any search results that are taking place while the incarcerated person is on CSW and assist them in determining if the incarcerated person should be removed or remain on CSW.

Subsection 3332.1(e)(3)(A) provides that the completed CDC 128-B shall include a chronology of events leading to the search and escalation of the search process. This is necessary for staff to know what form this information is required to be documented in and everything that has transpired leading up to the search.

Subsection 3332.1(e)(3)(B) provides that the completed CDC 128-B shall include the name and rank of all persons participating in the search process or supplying information which justified the search. This is necessary to ensure the names and ranks of the staff members who were present for the search and the reason for the search are documented.

Subsection 3332.1(e)(3)(C) provides that the completed CDC 128-B shall include all evidence and information regarding the justification for each degree of the search. This is necessary for tracking purposes, possible evidence for court, and to document why the specific search was conducted.

Subsection 3332.1(e)(3)(D) provides that the completed CDC 128-B shall include the results at the conclusion of the search. This is necessary for tracking purposes and possible evidence for court.

Subsections 3332.1(f) through 3332.1(f)(5)(A) provide the procedures for the use of mechanical restraints should they be necessary to be used on an incarcerated person during a CSW.

Subsection 3332.1(f)(1) provides that the incarcerated person may be placed in waist chains while on CSW. The subsection further provides that leg restraints may be used in cases where custody staff determines the incarcerated person poses a threat to the safety of themselves or others, in accordance with section 3268.2. This is necessary to document the mechanical restraint options that may be used to ensure the safety of the incarcerated person and staff, and prevent the incarcerated person from circumventing the CSW process.

Subsection 3332.1(f)(1)(A) provides that the institution shall be required to document the specific safety and security need, beyond the recovery of contraband that warrants placing the incarcerated person in mechanical restraints. In evaluating this need, the institution shall take into consideration the reason for placement on CSW, including the incarcerated person's past and present conduct related to the introduction of contraband. The decision to use restraints and the justification shall be documented on the CDC 128-B, and signed by the Captain, or AOD during non-business hours, weekends, or holidays, or a higher authority. This subsection is necessary to prevent the incarcerated person from circumventing the CSW process, to designate who has authority to approve the use of restraints, and to ensure documentation exists to justify authorizing the use of restraints during that CSW.

Subsection 3332.1(f)(1)(B) provides that if, during the course of the CSW, the incarcerated person is noted by staff attempting to circumvent the CSW process in any way, or if information is received which indicates the safety of staff, incarcerated persons, or institutional security is threatened, the incarcerated person may be placed in mechanical restraints. Authorization to place an incarcerated person in restraints requires approval of the Captain, AOD during non-business hours, weekends, or holidays, or higher authority, and shall be documented on a CDCR 114-CSW, and in a subsequent CDC 128-B, signed by the Captain, AOD during non-business hours, weekends, or holidays, or higher authority. This subsection is necessary to prevent the incarcerated person from circumventing the CSW process, to designate who has authority to approve the use of restraints, and to ensure documentation exists to justify authorizing the use of restraints during that CSW.

Subsection 3332.1(f)(2) provides that the use of mechanical restraints on incarcerated persons confirmed or suspected by health care staff to be pregnant shall be subject to the requirements of subsections 3332.1(f)(2)(A) and 3332.1(f)(2)(B), in accordance with subsection 3268.2(e). This is necessary to protect the medically-confirmed incarcerated person's health and safety during their pregnancy.

Subsection 3332.1(f)(2)(A) provides that leg restraints or waist chains shall not be applied on medically-confirmed pregnant incarcerated persons. This is necessary to protect the medically-confirmed incarcerated person's health and safety during their pregnancy.

Subsection 3332.1(f)(2)(B) provides that if handcuffs are applied to a pregnant incarcerated person, the incarcerated person's arms shall be brought to the front of their body for application. This is necessary to protect the medically-confirmed incarcerated person's health and safety during their pregnancy.

Subsection 3332.1(f)(3) provides that mechanical restraints will not be placed on pregnant incarcerated persons, including while being transported to the hospital, during delivery, and while in recovery after giving birth, unless mechanical restraints are necessary to avoid the imminent threat of death, escape, or great bodily injury. The subsection further provides that if mechanical restraints are used under these circumstances, the mechanical restraints shall only be used for the period during which such threat exists. Additionally, the subsection provides that "four-point" restraints may be authorized when an incarcerated person is disruptive or combative in accordance with subsection 3268.2(e). This is necessary to protect the medically-confirmed incarcerated person's health and safety during their pregnancy.

Subsection 3332.1(f)(4) provides that Hand Isolation Devices (HID) may be used at an institution when authorized in writing by the Warden or CDW. The HID is a type of device that is used as an additional measure to restrict an incarcerated person's ability to use their hands. It is necessary that only the Warden or CDW determine to utilize the HID while an incarcerated person is on CSW due to the restriction of movement this device creates.

Subsection 3332.1(f)(4)(A) provides that HID shall be purchased from an approved vendor only. This is necessary as these vendor's products have already been approved to be utilized by the department.

Subsection 3332.1(f)(4)(B) provides that HID shall not be authorized to be placed on any incarcerated person confirmed or suspected to be pregnant. This is necessary to protect the medically-confirmed incarcerated person's health and safety during their pregnancy.

Subsection 3332.1(f)(4)(C) provides that incarcerated persons placed in a HID shall remain under constant and direct visual supervision at all times. This is necessary due to the restriction of movement this device creates.

Subsection 3332.1(f)(4)(D) provides that in instances where a HID is used, custody staff shall update the incarcerated person's CDCR 114-CSW to reflect usage times and correlating actions (e.g., 1200 hours – One HID was removed allowing the incarcerated person to eat lunch). This is necessary to allow incarcerated persons who are confined to these restraints to receive a break from having their extremities in one position for an extended period of time while maintaining security, and to ensure the use of the device is documented.

Subsection 3332.1(f)(5) provides mechanical restraints and HID shall be cleaned and sanitized on an ongoing basis, such as when soiled after a bowel movement or after termination of the CSW. This is necessary for the incarcerated person's personal hygiene, and health and safety, ensuring the incarcerated person is not forced to wear restraints that are contaminated.

Subsection 3332.1(f)(5)(A) provides that in order to provide a range of motion to a restrained extremity, a CSW incarcerated person should be allowed free movement of each arm and leg at least once on both 2nd and 3rd watch. The subsection further provides that each restrained extremity should be released for a free movement period of at least 5 minutes on both 2nd and 3rd watch and that each extremity be released for a period of 5 minutes. Only one extremity needs to be released at a time. The application of additional restraints (e.g., Leg Irons, HID, etc.) other than handcuffs and waist chains shall be documented on the incarcerated person's CDCR 114-CSW. This is necessary to allow incarcerated persons who are confined to restraints to receive a break from having their extremities in one position for an extended period of time while maintaining security.

Subsections 3332.1(g) through 3332.1(g)(5) provide the procedures regarding health and safety concerns during CSW. These procedures are necessary to ensure the incarcerated person is provided health care while placed on CSW, and to ensure there are procedures in place to address any health or safety issues that arise during the CSW.

Subsection 3332.1(g)(1) provides that the incarcerated person may be subjected to an x-ray examination pursuant to section 3339.431. This is necessary to ensure the health and wellbeing of the incarcerated person who is suspected of concealing contraband within their body.

Subsection 3332.1(g)(2) provides that during the CSW, if for any reason custody staff observes a decline in the incarcerated person's health, or it is believed that the incarcerated person's health is affected by the concealed contraband, health care staff shall be immediately contacted to assess the incarcerated person's condition. This is necessary to provide each incarcerated person the necessary health care should there be a decline in their health while on CSW.

Subsection 3332.1(g)(3) provides that in the event a CSW incarcerated person is transferred to an outside medical facility, notification of the transfer shall be given to the Warden or CDW (during business hours) or the AOD during non-business hours, weekends, or holidays. In cases where the CSW incarcerated person is admitted to an outside medical facility, the Warden or designee shall notify the respective Mission AD within one business day of the admission. These steps are necessary to timely inform headquarters and custody staff of any hospitalization that has taken place due to the CSW.

Subsection 3332.1(g)(4) provides that each institution shall establish a process in which a CSW incarcerated person is given the opportunity to wash (e.g., soap and water, hand sanitizer, or disinfectant wipes) their hands after each use of the restroom, prior to eating a meal, or as needed to ensure appropriate hygiene. Running water may be substituted with a portable alternative such as a hand basin filled with water. During the periods in which an incarcerated person is allowed to wash their hands, staff shall maintain a visual of the incarcerated person to ensure they do not dispose of any contraband. This process is necessary to ensure the incarcerated person can maintain their personal hygiene during CSW placement.

Subsection 3332.1(g)(5) provides that the CSW isolated setting or cell cleanliness must be maintained while the incarcerated person is on CSW. Keeping the cell clean is a security measure, as this will ensure any contraband discovered after an incarcerated person is placed in the cell belongs to the incarcerated person on CSW, and that foreign objects that may be contraband are discovered timely.

Subsections 3332.1(h) through (h)(3) list the CSW equipment that is required for use by custody staff during CSW, such as flashlights; expandable batons; OC pepper spray, handcuffs with key; waist chains; leg restraints, based upon documented security need as detailed in subsection 3332.1(e); HID, based upon documented security need as detailed in subsection 3332.1(e); latex gloves; disposable masks; bed pan, portable toilet, or toilet liner (clear plastic bag); evidence bags; and tongue depressors. This is necessary for custody staff assigned to CSW to have all the required equipment to assist them while assigned to a CSW.

Subsection 3332.1(h)(2) provides Post Orders will be provided to the custody staff assigned to CSW by the custody supervisor, to reference while assigned to observe the incarcerated person on CSW. This is necessary so the custody staff assigned to CSW understand and are aware of their duties when assigned to CSW.

Subsection 3332.1(h)(3) provides that institutions having a need to use alternate restraint equipment shall submit a request to their respective Mission AD for review and approval. If the request is subsequently approved, the institution may then procure the equipment from an approved vendor only. This is necessary to receive the proper authorization to procure alternate restraint equipment from departmentally approved vendors.

Subsections 3332.1(i) through 3332.1(i)(1)(H) provide procedures for voluntary bowel movements during CSW. This is necessary to provide procedures for observing and documenting bowel movements, to note the time of the bowel movement and whether the bowel movement also expelled contraband that may have been ingested or hidden within the body cavity.

Subsection 3332.1(i)(1) provides that when an incarcerated person requests to have a bowel movement, custody staff assigned to CSW shall complete the steps in subsections 3332.1(i)(1)(A)-3332.1(i)(1)(H). This is necessary so the custody staff assigned to CSW understand and are aware of their duties when assigned to CSW.

Subsection 3332.1(i)(1)(A) provides that only a staff member(s) of the same gender as the incarcerated person shall monitor the bowel movement. It is necessary that the same gender is present during a bowel movement to preserve the incarcerated person's dignity.

Subsection 3332.1(i)(1)(B) provides that custody staff assigned to CSW shall provide the incarcerated person with toilet paper and a portable toilet, or use of the previously lined toilet in the isolated setting. This is necessary to obtain contents of the bowel movement and provide the incarcerated person personal hygiene afterwards.

Subsection 3332.1(i)(1)(C) provides that custody staff assigned to CSW shall remove the necessary restraint gear to allow the incarcerated person the ability to facilitate their bodily functions. This is necessary to allow the incarcerated person the ability to facilitate their bodily functions without restraints.

Subsection 3332.1(i)(1)(D) provides that custody staff shall ensure that once the incarcerated person has completed the bowel movement, the portable toilet or toilet liner shall be immediately retrieved or removed, and the incarcerated person shall be re-secured in the restraint equipment. This is necessary to obtain the bowel movement and any personal hygiene items utilized, and to maintain security.

Subsection 3332.1(i)(1)(E) provides that custody staff on CSW shall indicate the number of the bowel movement (1, 2, 3, etc.) and note whether contraband was discovered in that bowel movement (“positive” or “negative” results in comments section of the CDCR 114-CSW). When this box is numbered, it also confirms that appropriate staff was present for this action. This is necessary so all custody staff assigned to CSW, when reviewing the CDCR 114-CSW, are aware of how many bowel movements have taken place and the results of each bowel movement.

Subsection 3332.1(i)(1)(F) provides that custody staff shall search the fecal matter for any contraband using a tongue depressor. The assisting custody staff member shall maintain constant supervision of the incarcerated person while the assigned custody staff member completes the search. This is necessary to designate a process to thoroughly search the bowel movement for any contraband, while maintaining observation and security of the incarcerated person.

Subsection 3332.1(i)(1)(G) provides that if contraband is discovered, the contraband shall be processed as evidence in accordance with the institution’s procedures, and documentation of the contraband shall be completed within the Incident Report Tracking system in the department’s electronic database, or documented on a CDCR 837-C (Rev. 10/15), Crime/Incident Report Part C – Staff Report, if the IRT is not available, and a Rules Violation Report shall be completed. This is necessary to document and track any discovered contraband for the department to utilize as evidence, and to ensure the incarcerated person receives a Rules Violation Report.

Subsection 3332.1(i)(1)(H) provides that the absence of contraband shall be documented pursuant to institution procedure and on the incarcerated person’s CDCR 114-CSW. This is necessary to assist custody staff when reviewing the CDCR 114-CSW to be aware of which bowel movement was free of contraband and in which order. This information is utilized when determining if the incarcerated person is free of contraband and when to remove them from CSW.

Subsections 3332.1(j) through 3332.1(j)(2) provide the procedures for removal from CSW. This is necessary to provide CSW removal instructions to staff.

Subsection 3332.1(j)(1) provides that the incarcerated person may be removed from CSW in accordance with subsection 3332.1(b)(2). This is necessary for staff and incarcerated persons to know the requirements to remove an incarcerated person from CSW.

Subsection 3332.1(j)(1)(A) provides that the request for the termination of an incarcerated person’s placement on CSW shall be made by the on-duty Watch Commander and approved at the level of Captain or above during business hours, or by the AOD during non-business hours, weekends, or holidays. This is necessary to identify the person authorized to terminate a CSW.

Subsection 3332.1(j)(1)(B) provides that a CDC 128-B shall be generated by the staff member approving the CSW termination. The CDC 128-B shall have, at a minimum, the date of CSW termination, the name and classification of the approving authority, and the findings relative to the contraband recovered. The date of CSW termination and the findings relative to the contraband recovered shall also be documented on the weekly CSW tracking log. This is necessary to instruct institutions on the documentation and authority required to remove an incarcerated person from CSW.

Subsection 3332.1(j)(1)(C) provides that all documentation (e.g., CDC 128-B, RHUPN, CDCR 114-CSW, etc.) relative to the incarcerated person’s CSW placement shall be maintained in the incarcerated person’s departmental approved record keeping system which could include, but is not limited to, digital or physical record storage for the incarcerated person and institution’s

ISU office for the purpose of reference and audit. This is necessary to ensure that all documents that were utilized during a CSW are maintained for reference and as evidence for auditing purposes.

Subsection 3332.1(j)(2) provides that the respective Mission AD shall be notified by the Warden or designee of the date, time, and if contraband was recovered once the CSW is terminated. This is necessary to keep headquarters and custody staff aware when a CSW is terminated and if any contraband is discovered.

The comment period on these changes shall close on **July 13, 2024**. Please submit comments to Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA, 94283-0001; or e-mail to rpb@cocr.ca.gov before the close of the comment period. Only those comments relating directly to the enclosed changes indicated by **bold double underline** and ~~**bold double underline**~~ will be considered.



Ying Sun, Associate Director
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation

Attachment(s)

15-DAY RE-NOTICE TEXT OF PROPOSED REGULATIONS

In the following, bold double underline indicates additional text and ~~bold double strikethrough~~ indicates additional deleted text to the originally proposed text presented in the original single underline and strikethrough format.

California Code of Regulations, Title 15, Crime Prevention and Corrections

Division 3. Adult Institutions, Programs, and Parole

Subchapter 4. General Institution Regulations.

Article 6. Disciplinary Detention

3332. Administration and Supervision of Detention Units.

~~Subsections 3332(f) 3332(f)(2) are unchanged, but shown for reference:~~

~~(f) Disciplinary Detention Records.~~

~~(1) A Disciplinary Detention Log, CDC Form 114, will be maintained in each designated disciplinary detention unit. Specific information required in this log will be kept current on a daily and shift or watch basis. A completed log book will be retained in the unit for as long as any inmate recorded on the last page of that log remains in the unit. Storage and purging of log books will be in accordance with department schedules. One disciplinary detention/segregation log may serve a disciplinary detention unit and other special purpose segregation units which are combined and are administered and supervised by the same staff members.~~

~~(2) A separate record will be maintained on each inmate undergoing disciplinary detention. This record will be compiled on CDC Form 114 A, Detention/Segregation Record. In addition to the identifying information required on the form, all significant information relating to the inmate during the course of detention, from reception to release, will be entered on the form in chronological order.~~

Subsections 3332(a)-3332(~~ef~~)(2) are unchanged.

New subsection 3332(f)(3) is adopted to read:

(f)(3) A separate record is maintained on each **inmate incarcerated person** undergoing Contraband Surveillance Watch (CSW). This record shall be compiled on CDCR ~~Form~~ **Form** 114-CSW, (~~12/16 04/24~~), Contraband Surveillance Watch Log, which is incorporated by reference. A new record shall be generated each shift. All significant information relating to the **inmate incarcerated person** during the course of the CSW is entered on the form in chronological order and includes, but is not limited to, the search performed prior to the **inmate's incarcerated person's** placement on CSW, all searches performed while the **inmate incarcerated person** is on CSW, meals, hygiene, bowel movements, health concerns, and medications.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

New subsections 3332.1(a)-(j) are adopted to read:

3332.1 Contraband Surveillance Watch

(a) The objective of placing an incarcerated person on CSW is to retrieve concealed contraband as defined in sections 3000 and 3006 without physical intrusion if possible; ensure that contraband is not circulated into the incarcerated person population; and ensure the safety of the incarcerated person suspected of having the concealed contraband.

(1) An Incarcerated Person may be placed in a controlled, isolated setting on CSW, under constant visual observation, until the contraband is voluntarily surrendered, is retrieved through natural means, or through a court order pursuant to subsection 3332.1(c)(3). The determination to place an incarcerated person on CSW will be made due to the following circumstances:

(A) During an outside medical provider examination, it is determined an incarcerated person has concealed contraband in their body, and has determined that the physical removal of the contraband may be hazardous to the health and safety of the incarcerated person.

(B) After a Custody staff directly observes an incarcerated person conceal contraband in their body, through insertion into a body cavity, or by ingestion.

(C) If there is reasonable suspicion that an incarcerated person has concealed contraband in their body.

(2) Each institution shall provide their respective Mission Associate Director (AD) and designee, and Investigative Services Unit (ISU) a weekly CSW tracking log. The CSW tracking log is due by noon each Monday (or next business day if the Monday falls on a holiday) and shall cover the period of the previous week (Monday through Sunday). This report shall reflect all incarcerated persons on CSW for that period.

(b) Authorization and Approval

(1) The request to place an incarcerated person on CSW shall be made by the on-duty Watch Commander and approved at the level of Captain or above during business hours, or by the Administrative Officer-of-the-Day (AOD) during non-business hours, weekends, or holidays. The approving manager shall provide a CDC 128-B, General Chrono (Rev. 4/74), to the watch commander, for the authorization of the incarcerated person's CSW placement. The CDC 128-B shall have, at a minimum, the date of CSW initiation, the name and classification of the approving authority, and the reason for placement. The Warden or designee shall notify the respective Mission AD of the initial placement of an incarcerated person on CSW by the first business day after the placement on CSW, and additional notification(s) every 72 hours while the incarcerated person remains on CSW.

(2) Incarcerated persons may be retained on CSW for a period of 72 hours, or until the incarcerated person has provided at least three bowel movements free of contraband, or it has been determined that the incarcerated person is free of contraband.

(A) When it is suspected by custody staff that the incarcerated person may still be in possession of contraband at the conclusion of the 72-hour time period, a search warrant shall be initiated to retrieve the contraband. The search warrant shall be authorized at the level of Warden or Chief Deputy Warden (CDW). If a search warrant is obtained, the contraband retrieval process shall be conducted by an outside medical provider.

(3) Retention of an incarcerated person on CSW for a second 72-hour period may only be authorized and signed by the Warden or CDW on a CDC 128-B. Retention of an incarcerated person on CSW beyond six days may only be authorized and signed on a CDC 128-B by the Director, Division of Adult Institutions (DAI) or Deputy Director, Facility Operations, DAI.

(4) The justification for each 72-hour CSW extension (e.g., the incarcerated person only had one bowel movement within the 72 hours) shall be clearly articulated and reflected on a CDC 128-B. The CDC 128-B shall be generated by the manager responsible for the area in which the incarcerated person is currently housed. The reason for the 72-hour extension shall also be noted on the weekly CSW tracking log.

(5) CSW Placement/Retention Approval Matrix

<u>CSW PERIOD</u>	<u>APPROVAL LEVEL</u>
<u>First 72 hours</u>	<u>Captain or above</u>
<u>Second 72 hours</u>	<u>Warden or CDW</u>
<u>Seven days or more</u>	<u>Director, DAI/Deputy Director, Facility Operations, DAI (72-hour increments)</u>

(6) Approval period duration for all CSW placement and retention shall be in 72-hour increments.

(c) Isolated Settings

(1) Incarcerated persons on CSW shall be placed on Restricted Housing Unit (RHU) Placement in accordance with sections 3335 and 3336, issued an Automated Restricted Housing Unit Placement Notice (RHUPN) (Rev. 11/23), and housed in an isolated setting for the duration of the CSW to meet the objective of retrieving the concealed contraband. The RHUPN shall be issued by the official ordering the CSW placement and a copy distributed, within 24 hours of the placement, to the Warden, Captain responsible for the initial review of RHUPN, and institution ISU. The Warden's office shall ensure that a copy of the RHUPN is forwarded to the respective Mission AD by the first business day after the issuance of the RHUPN for CSW.

(2) In cases where an incarcerated person is already on RHU placement and the incarcerated person is subsequently placed on CSW, the institution shall use a

CDC 128-B in lieu of the new RHUPN as the notification method. The CDC 128-B shall be documented in accordance with subsection 3332.1(b)(1). The CDC 128-B shall be issued by the official ordering the CSW placement and a copy distributed as described in subsection 3332.1(c)(1).

(3) Upon receipt of the CDC 128-B extension, ISU staff shall prepare a search warrant as directed by the Warden or CDW. An x-ray request shall be part of the search warrant. The search warrant shall be sent to the court for resolution directly after the initial 72 hours of the incarcerated person's CSW placement has elapsed.

(4) The isolated setting shall be a cell that ensures security precautions of the institution or facility is large enough to accommodate a fully extended sleeping mattress. This setting may be in a general population area or in an RHU of the institution.

(5) In a medical emergency in which the concealment of the contraband poses an imminent threat to the incarcerated person's health and safety, the incarcerated person shall be housed pursuant to section 3999.431. In such cases, the security and custody supervision, and CSW responsibilities shall remain with the custody personnel assigned to CSW detail under the direction of the Watch Commander.

(d) Placement in an Isolated Setting

(1) Prior to the incarcerated person being placed on CSW in the isolated setting, the following shall be accomplished:

(A) The Watch Commander shall ensure that an initial nursing assessment of the incarcerated person is completed pursuant to section 3999.431. The initial nursing assessment and the results shall be documented on a CDCR 7219, Medical Report of Injury or Unusual Occurrence (Rev. 02/24), which is incorporated by reference.

(B) A CDCR 114-CSW shall be generated, and maintained while the incarcerated person is on CSW in accordance with subsection 3332(f)(3).

(C) The incarcerated person shall be given an unclothed body search.

(D) The isolated setting shall be searched and cleaned.

(E) All moveable objects in the isolated setting shall be removed except:

1. A mattress and blanket from 2000 hours to 0800 hours, unless a reason for extension is approved by the supervisor over that area and documented in the comment section of the CDCR 114-CSW,

2. Stationary fixtures.

(F) The toilet (when present in the isolated setting) shall be covered in plastic and taped closed with the water turned off (if applicable).

(G) Female incarcerated persons shall be placed in a jumpsuit or two-piece slip-on shirt and pants, one brassiere, one pair of panties, and one pair of socks. As an added method of security, incarcerated persons may be placed in two jumpsuits with the openings placed/worn in the opposite direction of each other.

(H) Male incarcerated persons shall be placed in one pair of boxer shorts, one T-shirt, and one pair of socks, or an approved jumpsuit or two-piece slip-on shirt and pants with or without a T-shirt or boxer shorts. As an added method of security, incarcerated persons may be placed in two pairs of boxer shorts or two jumpsuits with the openings placed/worn in the opposite direction of each other.

(I) The legs and waist of the boxer shorts and the arms and legs of the jumpsuit shall be taped closed to restrict the incarcerated person's access to their body cavities. Tape should never be applied in a manner to restrict circulation or directly over the incarcerated person's skin.

(2) A correctional supervisor (Sergeant or above) shall visually check on the incarcerated persons while on CSW once a shift. The purpose of this check is to determine the incarcerated person's well-being and provide on-the-job training to ensure staff's adherence to the CSW policy. All supervisory checks and reviews shall be documented on the incarcerated person's CDCR 114-CSW.

(e) Documentation

(1) The placement of an incarcerated person on CSW shall be documented by the Watch Commander requesting the placement of the incarcerated person on CSW in accordance with subsection 3332.1(b).

(A) Each employee assigned to the CSW detail shall document all activities related to the incarcerated person, as provided in subsection 3332.1(e)(1), on a CDCR 114-CSW for the duration of the incarcerated person's placement on CSW. This includes, but is not limited to all searches performed prior to and during the incarcerated person's placement on CSW, meals, hygiene, bowel movements, health concerns, medications, trash removal and searches of trash after each meal, etc. Each Correctional Officer assigned to the CSW detail shall sign in and out at the beginning and end of the CSW observation period on the CDCR 114-CSW.

(2) The Chief Medical Executive or their designee shall document all medical decisions or issues relating to the incarcerated person during placement on CSW in the incarcerated person's Health Record.

(3) All body cavity searches conducted by an outside medical provider, shall be documented on a CDC 128-B by the custody staff member present during the search and shall be submitted to the Warden or their designee for review. The report shall include the following information:

(A) Chronology of events leading to the search and escalation of the search process.

(B) Name and rank of all persons participating in the search process or supplying information which justified the search.

(C) All evidence and information regarding the justification for each degree of the search.

(D) Results at the conclusion of the search.

(f) Mechanical Restraints

(1) The incarcerated person may be placed in waist chains while on CSW. Leg restraints may be used in cases where custody staff determines the incarcerated person poses a threat to the safety of themselves or others, in accordance with section 3268.2.

(A) The institution shall be required to document the specific safety and security need, beyond the recovery of contraband that warrants placing the incarcerated person in mechanical restraints. In evaluating this need, the institution shall take into consideration the reason for placement on CSW, including the incarcerated person's past and present conduct related to the introduction of contraband. Authorization to place an incarcerated person in restraints requires approval of the Captain or AOD during non-business hours, weekends, or holidays, or higher authority, and shall be documented on a CDCR 114-CSW, and in a subsequent CDC 128-B, signed by the Captain or AOD during non-business hours, weekends, or holidays, or higher authority.

(B) During the course of the CSW, if the incarcerated person is observed by staff attempting to circumvent the CSW process in any way, or if information is received which indicates the safety of staff, incarcerated persons, or institutional security is threatened, the incarcerated person may be placed in mechanical restraints pursuant to subsection 3332.1(f)(1)(A).

(2) Use of mechanical restraints on incarcerated persons confirmed, or suspected by health care staff to be pregnant shall be subject to the following requirements (see also section 3268.2[e]):

(A) No leg restraints or waist chains shall be applied.

(B) If handcuffs are applied, the incarcerated person's arms shall be brought to the front of their body for application.

(3) Mechanical restraints shall not be placed on an incarcerated person during labor, including during transport to a hospital, during delivery, and while in recovery after giving birth, unless circumstances exist that require the immediate application of mechanical restraints to avoid the imminent threat of death, escape, or great bodily injury. If such a threat exists, mechanical restraints may be used only for the period during which such threat exists (see section 3268.2[c][5]). Four-point restraints may be authorized when an incarcerated person is disruptive or combative in accordance with subsection 3268.2(e).

(4) Hand Isolation Devices (HID) may be used at an institution when authorized in writing by the Warden or CDW. The following shall be observed when utilizing HIDs:

A. HIDs shall be purchased from an approved vendor only.

B. HIDs shall not be authorized to be placed on any incarcerated person confirmed or suspected to be pregnant.

C. Incarcerated persons placed in a HID shall remain under constant and direct visual supervision at all times.

D. In instances where a HID is used, custody staff shall update the incarcerated person's CDCR 114-CSW to reflect usage times and correlating actions (e.g., 1200 hours – One HID was removed allowing the incarcerated person to eat lunch).

(5) Equipment Hygiene – Mechanical restraints and HID's shall be cleaned and sanitized on an ongoing basis (e.g., If soiled after a bowel movement, after termination of the CSW, etc.).

(A) In order to provide range of motion to a restrained extremity, a CSW incarcerated person should be allowed free movement of each arm and leg at least once on both 2nd and 3rd watch. Each restrained extremity should be released for a free movement period of at least 5 minutes on both 2nd and 3rd watch. Only one extremity need be released at a time. If additional restraints are used, the application of additional restraints (e.g., Leg Irons, HID, etc.) other than handcuffs and waist chains shall be documented on the incarcerated person's CDCR 114-CSW.

(g) Health and Safety Concerns

(1) The incarcerated person may be subjected to an x-ray examination pursuant to section 3999.431.

(2) During the CSW, if for any reason custody staff observes a decline in the incarcerated person's health, health care staff shall be immediately contacted to conduct an assessment of the incarcerated person's condition.

(3) In the event a CSW incarcerated person is transferred to an outside medical facility, notification of the transfer shall be given to the Warden or CDW (during business hours) or the AOD during non-business hours, weekends, or holidays. In cases where the CSW incarcerated person is admitted to an outside medical facility, the Warden or designee shall notify the respective Mission AD within one business day of the admission.

(4) Each institution shall establish a process in which a CSW incarcerated person is given the opportunity to wash (e.g., soap and water, hand sanitizer, or disinfectant wipes) their hands after each use of the restroom, prior to eating a meal, or as needed to ensure appropriate hygiene. Running water may be substituted with a portable alternative such as a hand basin filled with water. During the periods in which an incarcerated person is allowed to wash their hands, staff shall maintain a visual of the incarcerated person to ensure they do not dispose of any contraband.

(5) Isolated Setting Hygiene – The CSW isolated setting or cell cleanliness must be maintained while the incarcerated person is on CSW.

(h) Equipment

(1) The equipment required for contraband surveillance watch shall include, but is not limited to, the following:

(A) Flashlight.

(B) Expandable Baton.

(C) OC Pepper Spray.

(D) Handcuffs with Key.

(E) Waist Chain.

(F) Leg Restraints, based upon documented security need as detailed in subsection 3332.1(e).

(G) HID, based upon documented security need as detailed in subsection 3332.1(e).

(H) Latex Gloves.

(I) Disposable Mask.

(J) Bed pan, portable toilet, or toilet liner (Clear plastic bag).

(K) Evidence Bags.

(L) Tongue Depressor.

(2) Post Orders will be provided to the custody staff assigned to CSW by the custody supervisor, to reference while assigned to observe the incarcerated person on CSW.

(3) Institutions having a need to use alternate restraint equipment shall submit a request to their respective Mission AD for review and approval. If the request is subsequently approved, the institution may then procure the equipment from an approved vendor only.

(i) Voluntary Bowel Movement

(1) When the incarcerated person requests to have a bowel movement, the custody staff assigned to CSW shall:

(A) Ensure only a staff member(s) of the same gender as the incarcerated person shall monitor the bowel movement.

(B) Provide the incarcerated person with toilet paper and a portable toilet, or use of the previously lined toilet in the isolated setting.

(C) Remove the necessary restraint gear to allow the incarcerated person the ability to facilitate their bodily functions.

(D) Ensure that once the incarcerated person has completed the bowel movement, the portable toilet or toilet liner shall be immediately retrieved or removed, and the incarcerated person shall be re-secured in the restraint equipment.

(E) Indicate the number of the bowel movement, (1, 2, 3 etc.), and note positive or negative results in comments on the CDCR 114-CSW. When this box is numbered, it also confirms that appropriate staff was present for this action.

(F) Search the fecal matter for any contraband using a tongue depressor. The assisting custody staff member shall maintain constant supervision of the incarcerated person while the assigned custody staff member completes the search.

(G) If contraband is discovered, the contraband shall be processed as evidence in accordance with the institution's procedures, and documentation of the contraband shall be completed within the Incident Report Tracking system in the department's electronic database, or documented on a CDCR 837-C (Rev. 10/15), Crime/Incident Report Part C – Staff Report, if the IRT is not available, and a Rules Violation Report shall be completed.

(H) The absence of contraband shall be documented pursuant to institution procedure and on the incarcerated person's CDCR 114-CSW.

(j) Removal from Contraband Surveillance Watch

(1) The incarcerated person may be removed from CSW in accordance with subsection 3332.1(b)(2).

(A) The request for the termination of an incarcerated person's placement on CSW shall be made by the on-duty Watch Commander and approved at the level of Captain or above during business hours, or by the AOD during non-business hours, weekends, or holidays.

(B) A CDC 128-B shall be generated by the staff member approving the CSW termination. The CDC 128-B shall have, at a minimum, the date of CSW termination, the name and classification of the approving authority, and the findings relative to the contraband recovered. The date of CSW termination and the findings relative to the contraband recovered shall also be documented on the weekly CSW tracking log.

(C) All documentation (e.g., CDC 128-B, RHUPN, CDCR 114-CSW, etc.) relative to the incarcerated person's CSW placement shall be maintained in the incarcerated person's departmental approved record keeping system, which could include, but is not limited to, digital or physical record storage for the incarcerated person and institution's ISU office for the purpose of reference and audit.

(2) The respective Mission AD shall be notified by the Warden or designee of the date, time, and if contraband was recovered once the CSW is terminated.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

SAMPLE (11/23) ADOPT



RESTRICTED HOUSING UNIT PLACEMENT NOTICE

INSTITUTION NAME XXXXXXXXXXXXXXXXXXXX	INMATE'S NAME XXXXXXXX, XXXXXX X	CDC NUMBER XXXXXX		
REASON(S) FOR PLACEMENT (PART A)				
<input type="checkbox"/> PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS <input type="checkbox"/> JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY <input type="checkbox"/> ENDANGERS INSTITUTION SECURITY <input type="checkbox"/> RETAINED IN RHU AS NO BED AVAILABLE IN GENERAL POPULATION				
DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT:				
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> B I U 🕒 ✖ <> 🗑️ </div> <div style="border: 1px solid black; height: 80px; width: 100%; margin-bottom: 5px;"> C </div>				
<input type="checkbox"/> IF CONFIDENTIAL INFORMATION USED, DATE INFORMATION DISCLOSED: C				
DATE OF RHU PLACEMENT C	AUTHORITY'S PRINTED NAME XXXXXXXX XXXXXXXX	SIGNATURE <div style="text-align: center;"> Add Signature Clear </div>	TITLE C	
DATE NOTICE SERVED C	TIME SERVED C	PRINTED NAME OF STAFF SERVING RHU PLACEMENT NOTICE X. XXXXXXXX	SIGNATURE <div style="text-align: center;"> Add Signature Clear </div>	STAFF'S TITLE C

<input type="checkbox"/> INMATE REFUSED TO SIGN	INMATE SIGNATURE	CDC NUMBER XXXXXX
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Show EC Template

You were identified with a disability of:

Hearing
 Vision
 Speech
 Learning Disability
 Reading Level ≤ 4.0/No Level
 Developmental Disability
 CCCMS

EOP
 Foreign Language Speaking

Method

xxxlastxxx, xxxfirstxxx reiterated in his own words, what was explained
 xxxlastxxx, xxxfirstxxx provided appropriate, substantive responses to questions asked
 xxxlastxxx, xxxfirstxxx asked appropriate questions regarding the information provided
 xxxlastxxx, xxxfirstxxx did not appear to understand the communication, even though the primary method of communication was used

Other

Assistance Provided

Use of Full Page Magnifier
 Read aloud Documents to xxxlastxxx, xxxfirstxxx
 Sign Language Interpreter
 Lip Reading (spoke facing the inmate)

Written Notes

Language Interpreter
 Simple English spoken slowly and clearly
 xxxlastxxx, xxxfirstxxx was wearing his/her hearing aid(s)
 xxxlastxxx, xxxfirstxxx stated he did not need any assistance for Effective Communication
 Gave additional time
 Rephrased sentence

<input type="checkbox"/> Other	<input style="width: 95%;" type="text" value="C"/>
Provider	
Name: <input style="width: 80%;" type="text" value="C"/>	Title: <input style="width: 80%;" type="text" value="C"/>

ADMINISTRATIVE REVIEW (PART B)
The following to be completed during the administrative review by Captain or higher on the first working day following placement

STAFF ASSISTANT (SA) IS THIS INMATE:		INVESTIGATIVE EMPLOYEE (IE)	
LITERATE?	<input type="checkbox"/> YES <input type="checkbox"/> NO	RHU IS FOR DISCIPLINARY REASONS	<input type="checkbox"/> YES <input type="checkbox"/> NO
FLUENT IN ENGLISH?	<input type="checkbox"/> YES <input type="checkbox"/> NO	EVIDENCE COLLECTION BY IE IS UNNECESSARY	<input type="checkbox"/> YES <input type="checkbox"/> NO
ABLE TO COMPREHEND ISSUES?	<input type="checkbox"/> YES <input type="checkbox"/> NO	INMATE DECLINED ANY IE	<input type="checkbox"/> YES <input type="checkbox"/> NO
FREE OF MHSDS NEEDS?	<input type="checkbox"/> YES <input type="checkbox"/> NO	DECLINED FIRST IE ASSIGNED	<input type="checkbox"/> YES
DECLINED FIRST STAFF ASSISTANT ASSIGNED?	<input type="checkbox"/> YES		
Any "NO" requires SA assignment	<input type="checkbox"/> NOT ASSIGNED	Any "NO" <i>may</i> require IE assignment	<input type="checkbox"/> NOT ASSIGNED
STAFF ASSISTANT'S NAME	TITLE	INVESTIGATIVE EMPLOYEE'S NAME	TITLE
<input style="width: 95%;" type="text" value="C"/>	<input style="width: 95%;" type="text" value="C"/>	<input style="width: 95%;" type="text" value="C"/>	<input style="width: 95%;" type="text" value="C"/>

INMATE WAIVERS

INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME

INMATE WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER

NO WITNESSES REQUESTED BY INMATE

INMATE SIGNATURE	CDC NUMBER	DATE
	XXXXXX	

WITNESS REQUESTED FOR ICC HEARING

WITNESS' NAME	TITLE/CDC NUMBER	WITNESS' NAME	TITLE/CDC NUMBER
<input style="width: 95%;" type="text" value="C"/>	<input style="width: 95%;" type="text" value="C"/>	<input style="width: 95%;" type="text" value="C"/>	<input style="width: 95%;" type="text" value="C"/>
WITNESS' NAME	TITLE/CDC NUMBER	WITNESS' NAME	TITLE/CDC NUMBER
<input style="width: 95%;" type="text" value="C"/>	<input style="width: 95%;" type="text" value="C"/>	<input style="width: 95%;" type="text" value="C"/>	<input style="width: 95%;" type="text" value="C"/>

DECISION

RELEASE TO UNIT/FACILITY _____
 RETAIN PENDING ICC REVIEW
 DOUBLE CELL
 SINGLE CELL PENDING ICC

REASON FOR DECISION:

C

ADMINISTRATIVE REVIEWER'S PRINTED NAME X. XXXXXXXX	TITLE <div style="border: 1px solid black; padding: 5px; min-height: 20px;"> C </div>	ADMINISTRATIVE REVIEWER'S SIGNATURE <div style="text-align: center;"> <input type="button" value="Add Signature"/> <input type="button" value="Clear"/> </div>	REVIEW DATE <div style="border: 1px solid black; padding: 5px; min-height: 20px;"> C </div>	TIME <div style="border: 1px solid black; padding: 5px; min-height: 20px;"> C </div>
---	---	---	---	--

You were identified with a disability of:

Hearing
 Vision
 Speech
 Learning Disability
 Reading Level ≤ 4.0/No Level
 Developmental Disability
 CCCMS
 EOP
 Foreign Language Speaking

C

Method

xxxlastxxx, xxxfirstxxx reiterated in his own words, what was explained
 xxxlastxxx, xxxfirstxxx provided appropriate, substantive responses to questions asked
 xxxlastxxx, xxxfirstxxx asked appropriate questions regarding the information provided
 xxxlastxxx, xxxfirstxxx did not appear to understand the communication, even though the primary method of communication was used

C

Other

Assistance Provided

Use of Full Page Magnifier
 Read aloud Documents to xxxlastxxx, xxxfirstxxx
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Written Notes

Language Interpreter

Simple English spoken slowly and clearly

xxxlastxxx, xxxfirstxxx was wearing his/her hearing aid(s)

xxxlastxxx, xxxfirstxxx stated he did not need any assistance for Effective Communication

Gave additional time

Rephrased sentence

Other

Staff Assistant

Name: Title:

CORRECTIONAL ADMINISTRATOR'S PRINTED NAME(If necessary – same date of review) XXXXXXXX XXXXXXXX	CO-SIGNATURE <input type="text" value="C"/> <input type="button" value="Add Signature"/> <input type="button" value="Clear"/>	DATE OF REVIEW <input type="text" value="C"/>
--	---	--

NAME and NUMBER

CDC 128-B (Rev. 4/74)

DATE

GENERAL CHRONO

NAME and NUMBER

CDC 128-B (Rev. 4/74)

DATE

GENERAL CHRONO

NAME and NUMBER

CDC 128-B (Rev. 4/74)

DATE

GENERAL CHRONO

ADOPT

NAME OF INSTITUTION	LOCATION OF EVALUATION	DATE
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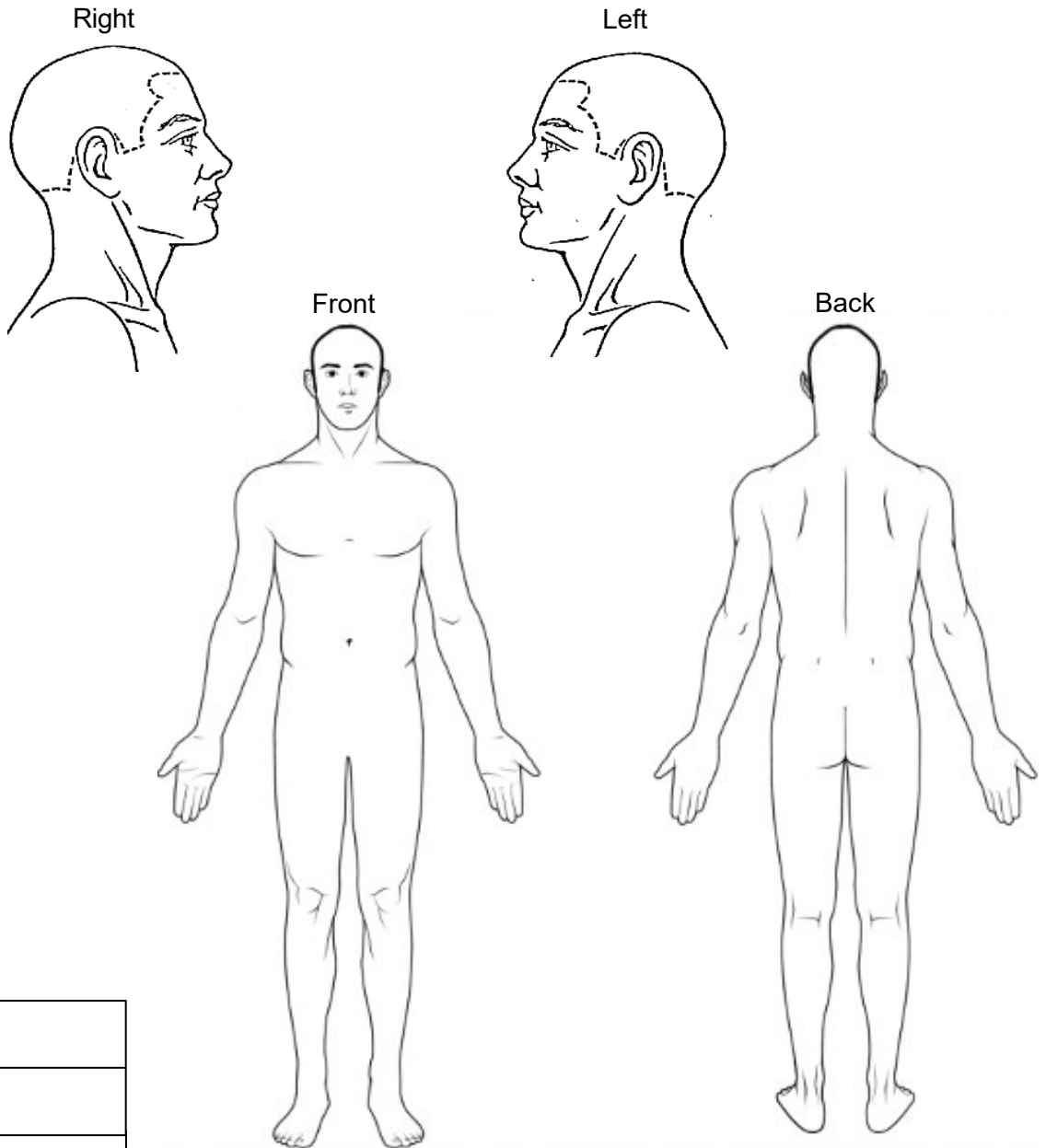
REASON FOR REPORT ALLEGATION ON THE JOB INJURY USE OF FORCE INJURY OTM RETURNS
 UNUSUAL OCCURRENCE PRE RHU ADMISSION R&R OTHER

NAME	LAST	FIRST	CDCR NUMBER	PERNR / INST. ID #	VISITOR ID # (SOMS)
------	------	-------	-------------	--------------------	---------------------

PLACE OF OCCURRENCE	DATE OF OCCURRENCE	TIME OF OCCURRENCE	TIME SEEN	RN NOTIFIED TIME	PHYSICIAN NOTIFIED TIME
---------------------	--------------------	--------------------	-----------	------------------	-------------------------

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

INJURIES FOUND?	YES / NO
Abrasion/Scratch	1
Active Bleeding	2
Broken Bone	3
Bruise/Discolored Area	4
Burn	5
Dislocation	6
Dried Blood	7
Fresh Tattoo	8
Cut/Laceration/Slash	9
Swollen Area	10
Pain	11
Protrusion	12
Puncture	13
Reddened Area	14
Skin Flap	15
Pre-Existing	16
Other	17
Other	18



Chemical Agent Exposure? YES / NO

Chemical Agent Exposure Area EX

Decontaminated w/ Water? YES / NO / REFUSED

Decontaminated w/ Air? YES / NO / REFUSED

Self-decontamination instructions given? YES / NO

Staff issued exposure packet? YES / NO

Q 15 min. check times

Initial	1 st Check
2 nd Check	Final

TIME/DISPOSITION

REPORT COMPLETED BY/TITLE (PRINT AND SIGN)	PERNR / INST. ID #	RDOs	ASSIGNMENT AREA
--	--------------------	------	-----------------

Instructions

REASON FOR REPORT

Enter a check mark indicating the reason for the Medical Report of Injury or Unusual Occurrence. If the reason for report is not listed, place a check next to "Other" and write in the reason.

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

Ask the subject what caused the injury or unusual occurrence, and BRIEFLY enter the circumstances here (e.g. "I fell while leaving my cell and hit my head on the bed post"). THIS SHOULD BE A DIRECT QUOTE OF THE SUBJECT'S STATEMENT.

INJURIES FOUND?

Circle "Yes" or "No" indicating whether or not physical injuries found on the subject. Do not circle "Yes" for only chemical agent exposure.

NUMERICAL INDICATORS

Circle any relevant entries, and indicate on the diagram, where the injury was found by writing the respective number in the appropriate place on the body/head diagram.

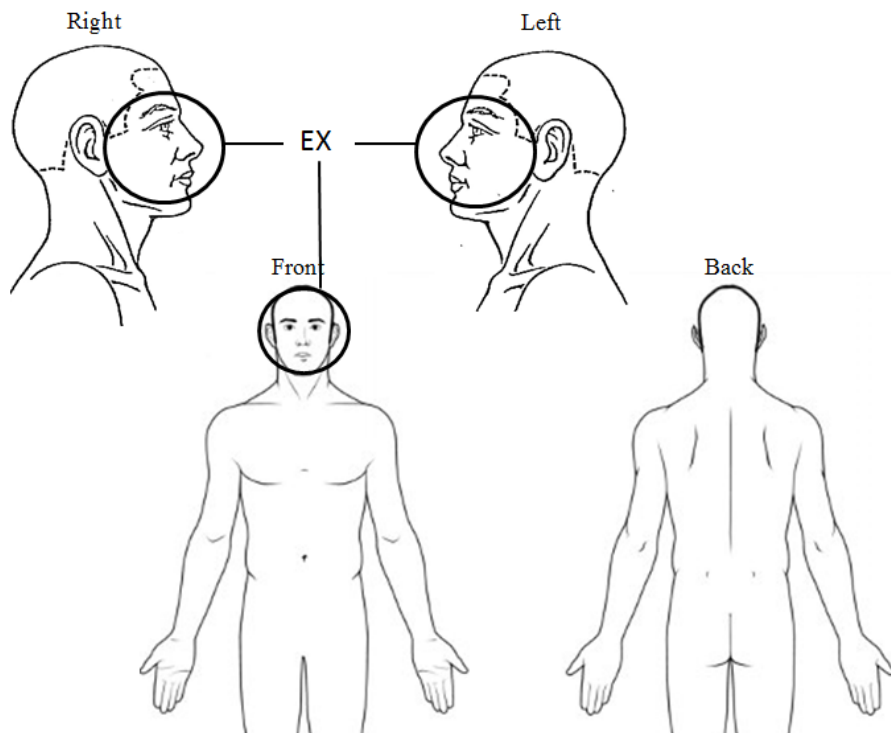
Q 15 MIN. CHECK ITEMS

The initial check time will be the same time entered in "Time Seen" in the upper portion of the form. The 1st check will be 15 minutes after the initial check. The 2nd check will be 15 mins after 1st check. The Final check will be 15 minutes after the 2nd check, and 45 minutes after the initial check.

CHEMICAL AGENT SPRAY AREA

Circle "EX" if subject was exposed to chemical agents, then indicate on the illustration where on the body/head diagram chemical agent exposure was located by writing "EX". If no injuries were discovered, but there was chemical agent exposure, the "Injuries Found" should indicate "No" (See example below).

INJURIES FOUND?	YES	<input checked="" type="radio"/> NO
Abrasion/Scratch	1	
Active Bleeding	2	
Broken Bone	3	
Bruise/Discolored Area	4	
Burn	5	
Dislocation	6	
Dried Blood	7	
Fresh Tattoo	8	
Cut/Laceration/Slash	9	
Swollen Area	10	
Pain	11	
Protrusion	12	
Puncture	13	
Reddened Area	14	
Skin Flap	15	
Pre-Existing	16	
Other	17	
	18	
Chemical Agent Exposure?	<input checked="" type="radio"/> YES	<input type="radio"/> NO
Chem. Agent Spray Area		<input checked="" type="radio"/> EX
Decontaminated w/ Water?	<input checked="" type="radio"/> YES	<input type="radio"/> NO / REFUSED
Decontaminated w/ Air?	<input checked="" type="radio"/> YES	<input type="radio"/> NO / REFUSED



CRIME / INCIDENT REPORT**PART C - STAFF REPORT**

CDCR 837-C (Rev. 10/15)

PAGE _____ Of _____

INCIDENT LOG NUMBER

NAME: LAST		FIRST		MI	INCIDENT DATE	TIME OF INCIDENT
POST #	POST DESCRIPTION	YEARS OF SERVICE YRS. MO.	DATE OF REPORT		LOCATION OF INCIDENT	
RDO'S	DUTY HOURS	DESCRIPTION OF CRIME / INCIDENT			CCR SECTION / RULE <input type="checkbox"/> N/A	

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
<input type="checkbox"/> Primary		
<input type="checkbox"/> Responder		
<input type="checkbox"/> Witness		
<input type="checkbox"/> Camera		
<input type="checkbox"/> Victim		
<input type="checkbox"/> Other:		

<input type="checkbox"/> N/A FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE								
<input type="checkbox"/> Physical	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	#Deployed:
<input type="checkbox"/> Hand-Held Baton	<input type="checkbox"/> Mini 14			<input type="checkbox"/> 37 mm		<input type="checkbox"/> OC		
	<input type="checkbox"/> .38 Cal			<input type="checkbox"/> 40 mm		<input type="checkbox"/> CN		
<input type="checkbox"/> X-10 BRD w/o OC	<input type="checkbox"/> .40 Cal			<input type="checkbox"/> L8		<input type="checkbox"/> CS		
	<input type="checkbox"/> 9 mm			<input type="checkbox"/> 40 mm Multi				
<input type="checkbox"/> X-10 BRD w/ OC	<input type="checkbox"/> Shotgun			<input type="checkbox"/> HFWRS				

 Non-Conventional or Force Not Listed Above:

FORCE OBSERVED BY YOU	<input type="checkbox"/> N/A <input type="checkbox"/> Physical <input type="checkbox"/> Hand-Held Baton <input type="checkbox"/> Chemical Agent <input type="checkbox"/> X-10 <input type="checkbox"/> Less Lethal <input type="checkbox"/> Lethal <input type="checkbox"/> Non-Conventional							
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION			EVIDENCE DISPOSITION			BIO HAZARD	PPE
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> N/A			<input type="checkbox"/> N/A			<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)		FLUID EXPOSURE		SCIF 3301/3067 COMPLETED	
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> N/A		<input type="checkbox"/> N/A		<input type="checkbox"/> BODILY <input type="checkbox"/> N/A <input type="checkbox"/> UNKOWN <input type="checkbox"/> Other:		<input type="checkbox"/> YES <input type="checkbox"/> NO	

NARRATIVE:

 CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1

SIGNATURE OF REPORTING STAFF	TITLE	BADGE # / ID #	DATE
NAME AND TITLE OF REVIEWER (PRINT/SIGNATURE)	DATE RECEIVED	CLARIFICATION NEEDED <input type="checkbox"/> YES <input type="checkbox"/> NO	APPROVED <input type="checkbox"/> YES <input type="checkbox"/> NO

DISTRIBUTION: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor